

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER ANN POTVIN

Plaintiff,

CIVIL ACTION NO. 05-CV-70291-DT

vs.

DISTRICT JUDGE PAUL D. BORMAN

THE CITY OF WESTLAND,
POLICE DEPARTMENT ET AL.,
Defendants.

MAGISTRATE JUDGE MONA K. MAJZOUN

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**OPINION AND ORDER DENYING PLAINTIFF'S MOTION
TO COMPEL PRODUCTION OF DOCUMENTS AND FORMAL RESPONSE TO
INTERROGATORIES AND DENYING DEFENDANTS'
MOTION FOR A PROTECTIVE ORDER (DOCKET ## 11, 14)**

On March 24, 2006 Plaintiff in the instant action filed a Motion to Compel Production of Documents and Formal Response to Interrogatories (Docket # 11). Defendants responded to Plaintiff's Motion and filed a Motion for a Protective Order on April 10, 2006 (Docket # 14). District Court Judge Paul D. Borman referred these motions to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). The motions were briefed sufficiently and the Court dispensed with oral argument pursuant to E.D. Mich. LR 7.1(e). *See generally In re Texas Bumper Exchange, Inc. v. Veliz*, 2005 Bankr. LEXIS 1936 (Bankr. S.D. Texas 2005)(holding that Fed. R. Civ. P. 37(a) "does not by its terms require that there be a hearing on a party's application for an order compelling discovery - only that there be reasonable notice.")

The Court has reviewed the parties' motions and has determined that Plaintiff's Motion to Compel Production of Documents and Formal Responses to Interrogatories fails to

conform with Local Rule 7.1(a). Furthermore, Plaintiff filed her discovery motion after the cut-off dates for discovery (February 16, 2006) and for dispositive motions (March 17, 2006) had passed. It also appears that Defendants filed a motion for summary judgment on March 22, 2006, which is currently pending before Judge Borman.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion to Compel Production of Documents and Formal Responses to Interrogatories is **DENIED**. See *United States v. Fisher*, 2006 WL 334246 * 1 (E.D. Mich. 2006) (denying motion to compel for failure to comply with Local Rule 7.1(a) and addressing the purpose of the rule); *Willis v. New World Van Lines, Inc.*, 123 F. Supp. 2d 380, 401 (E.D. Mich. 2000) (denying motion to compel discovery after close of discovery as a proper exercise of the court's discretion).

IT IS FURTHER ORDERED that Defendants' Motion for a Protective Order is **DENIED** as unnecessary in light of this Court's ruling on Plaintiff's motion above.

IT IS SO ORDERED.

Notice to the Parties

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: May 03, 2006

s/ Mona K. Majzoub

MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

Proof of Service

I hereby certify that a copy of this order was served upon Counsel of Record on this date.

Dated: May 04, 2006

s/ Lisa C. Bartlett
Courtroom Deputy